

RICHARD P. POINTER, ESQ., SBN: 86630
HINKLE, JACHIMOWICZ, POINTER & EMANUEL
2007 W. Hedding Street, Suite 100
San Jose, Ca 95128
Telephone: (408) 246-5500
Facsimile: (408) 246-1051

Attorneys for Defendant
MARK PLOYHAR

EXHIBIT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	NO: CR-11-00509 DLJ
)	
Plaintiff,)	STIPULATION AND ()
)	ORDER FOR MOVING FEBRUARY
vs.)	9, 2012 STATUS HEARING,
)	EXCLUDING TIME FOR FEBRUARY
MARK PLOYHAR,)	9, 2012, THROUGH FEBRUARY
)	23, 2012
Defendant.)	
_____)	

Defendant, Mark Ployhar, through counsel Richard P. Pointer and the United States through Grant Fondo hereby stipulate to the continuance of the status hearing from February 9, 2012, to February 23, 2012, at 9:00 a.m.

It is agreed between the parties that the following reasons exist for this stipulation:

- (1) Defense counsel has a felony sentencing hearing in Santa Cruz Superior Court
- (2) United States Attorney, Grant Fondo, has no objection to having the status conference continued.

The government and defense stipulate that the factors stated above provide a basis for an exclusion of time pursuant to the Speedy Trial Act (18 U.S.C. Section 3161 (h)(8)(B)(iv) in that the

ends of justice outweigh the public interest in an earlier trial date.

Respectfully submitted,

Dated: February 8, 2012

/s/ Richard P. Pointer
Richard P. Pointer
Attorney for Mark Ployhar

Dated: February 8, 2012

/s/ Grant Fondo
Grant Fondo
Assistant United States Attorney

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

THE COURT FURTHER ORDERS time be excluded under the Speedy Trial Act from February 9, 2012 to February 23, 2012. The court finds, based on the aforementioned reasons, that the ends of justice is served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. section 3161(h)(8)(A) and (B)(iv).

Donna Ina

D. LOWELL JENSEN
United States District Judge